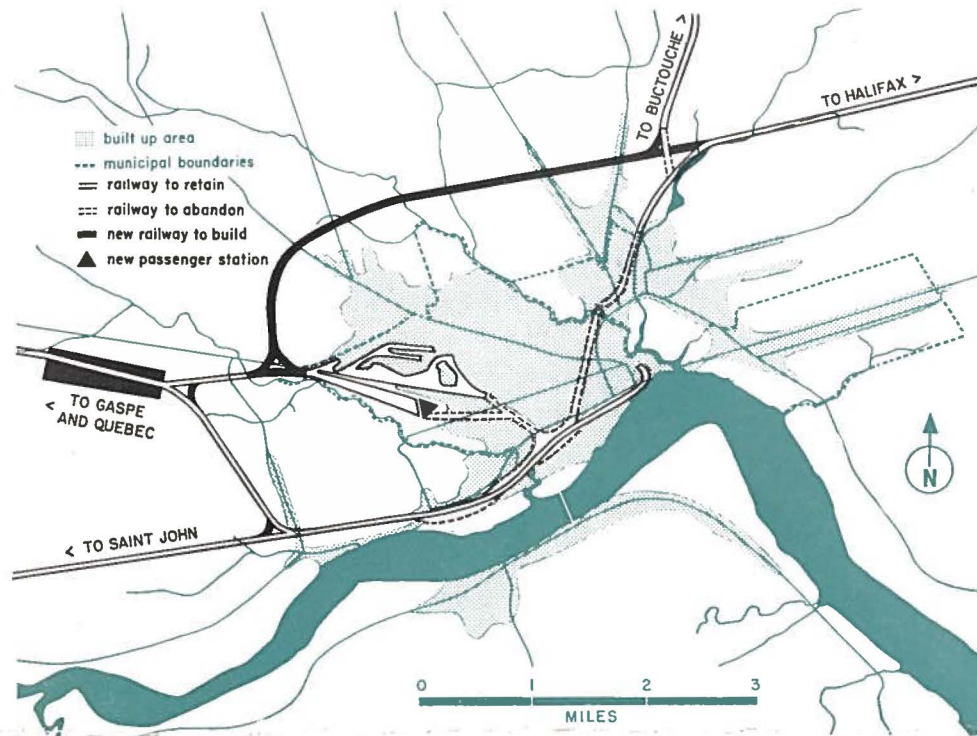


## RAILWAY PLAN FOR MONCTON, NEW BRUNSWICK



### Preliminary Proposals:

- Build 5 mile main line by-pass to north.
- Build efficient suburban freight yard to west.
- Build new passenger station where shown.
- Gradually remove downtown main line trackage and all level crossings in built up area; permit drastic redevelopment of commercial districts, repair interrupted connections between sub-central districts, and open new outskirt areas to normal residential use.

See Page 11

## LAYOUT FOR LIVING

NUMBER 33

MARCH 1950

Miss Jean D. Taylor,  
Apt. 64, 255 Metcalfe St.,  
Ottawa, Ont.

B-271

### WHAT IS COMMUNITY PLANNING?

#### LAND USERS MAKE TRAFFIC

by Tracy D. LeMay

#### LOCAL LAND USE MANAGEMENT

by Lorne R. Cumming

#### URBAN SPREAD IN S.W. ONTARIO

#### MONTREAL AND MONCTON REPORTS

LAYOUT FOR LIVING is published by the  
**COMMUNITY PLANNING  
ASSOCIATION OF CANADA**  
Room 238, 56 Lyon Street, Ottawa, Ontario.

March 1950

Number 33

## LAYOUT FOR LIVING

### Community Planning: what do we mean?

Whether or not we live in cities (and more Canadians do every year) we band together and employ mechanical power to swell our output of goods. Our iron flunkies (or rather clunkies) are bound to produce effects of profound concern to our neighbours—whether down the street or down the watershed. Town and country planning seeks to express fairly the human concerns at stake when physical change is wrought over a given unit of territory.

Put it another way: in any area there is a gradually changing physical topography; the changes occur chiefly in response to human group decisions. The area may also be said to have its changing social topography. There are points of intense social value, and places of complex social structure. The purpose of community planning is then to promote alterations of the physical scene in full response to developing social goals.

Most of the familiar forms of private building are now made possible by parallel networks of public installations. It is difficult to name any major private development in which there are not obvious links with public resources, facilities and interests. The orderly statement of these interests by political units is the business of community planning.

Admittedly the claim by public authority to express the community's interest in land use and development will be challenged by some. Such objections will stand only until the public authority can prove that what it says is the public's intention is indeed something very close to it. This is where many planning proposals fail; it is so easy to expose them as mere notions of a few official or technical minds. The public authority that is serious about its planning will take constant care that it does portray recognizable public needs and aspirations. (Hence the importance

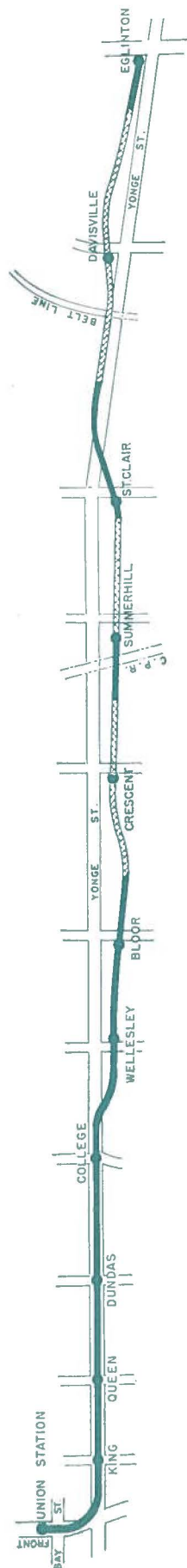
to planning of periodic social surveys and of continuing professional interpretation of survey results.)

To define planning and to examine official plans are quite different matters. Official plans are legal documents; and there is a lag between what leaders of planning thought believe, and what legislators have spelled out in the law of the land. The typical Canadian Planning Act permits the municipal council to set up an advisory body to draft a binding statement of intentions. That statement takes the form of an official plan or a master plan for the area of jurisdiction. The municipality's ability to adopt and act upon such planning advice is usually limited—in terms of the municipal budget, and also in terms of the specific powers over land use which are delegated by the Province. Normally these powers are: to *buy and develop* land for streets, parks, civic buildings, utilities and (sometimes) housing; to *regulate* the uses to be made of all lands, both private and public. (This last is the subject of an article beginning on page 5 of this issue.)

In 1950 a Canadian planning agency can thus offer to its government two distinct kinds of advice: (a) Action lying fully within present municipal power, and believed effective in shaping the physical scene in answer to observed social goals; (b) Action which the municipality lacks the power to take, but should seek to take in order to give adequate expression to the community's interest in its own physical development. Official plans would be better understood if the advice in them were sorted out on these lines. And our discussions of community planning will come into sharper focus when we discover how completely our governments are using their existing powers—and exactly where their powers should be extended so that they may do a better planning job in our behalf.

**PUBLISHED BY COMMUNITY PLANNING ASSOCIATION OF CANADA, OTTAWA**





In a leading article in the *Review of the Institute of Professional Town Planners*, the first President of the Institute, and Planning Commissioner of Toronto, says of the heroic and single-minded improvement of traffic something very like what Major General Claire Lee Chennault has said of war . . . "It settles only problems of the past and creates the new problems of the future." Mr. LeMay's article has been slightly condensed, and is reprinted in this form with his kind permission.

Illustrations: LEFT, map of Yonge St. line—now under construction—in Toronto Transportation Commission's subway system. Solid portions are underground, hatched portions open cut. (From *Sidewalk Superintendents' Manual*, Grade 1, issued gratis by the T.T.C.) RIGHT, relative volumes of vehicular traffic pouring into Toronto's central area during the business day; street improvements in the City's Official Plan are in the main to ease the south-bound approaches.

# Land Users Make Traffic

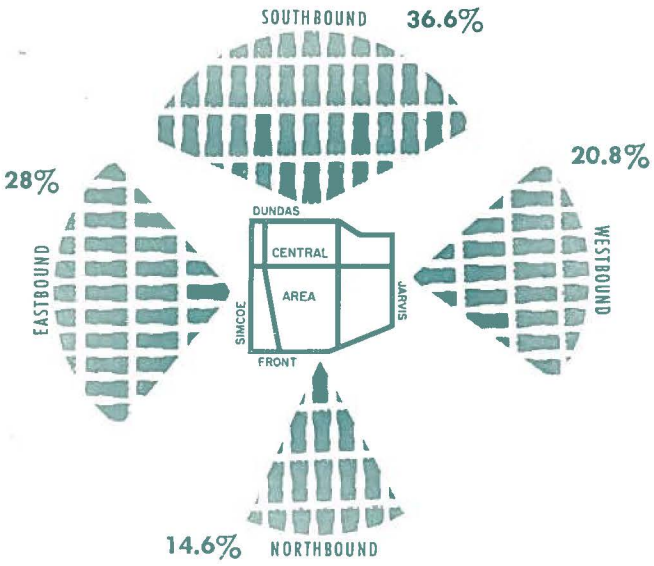
by Tracy D. LeMay

Planning news from all over the continent is replete with programs for stupendous highway improvements and transit routes, all designed to relieve existing conditions and perhaps to make some provision for future demands. Little, however, is planned or even said about rectifying the condition that creates the present need or future demand. It does not take much thought or imagination to reach the unassailable conclusion that traffic problems are a direct result of the use of land, and that the only permanent cure for those problems must rest upon the control of the use of land . . . Additional traffic facilities only create opportunities for the establishment of additional businesses and industries and, sooner or later, the whole thing must be done over again.

There is general agreement that a street widening is not a cure but only a palliative. Increased business attracted by the wider street is a traffic generator that automatically uses up the additional facilities provided, and then you are "as you were"—and something else has to be done. Expressways, while serviceable for a longer period, must go through the same process.

From all this it seems evident that in seeking permanent solutions the planner should direct his attention to something other than highway improvements, in fact, to land use which is the basic underlying cause of all municipal problems. For instance, is it not possible that the City of New York might be further ahead in the long run by devoting the \$500,000,000 required for the Second Avenue Subway to the removal of a large block of industry bodily to some area outside the city? With the removal of industry it would, of course, be necessary to couple rigid regulations to prevent the further increase of industry of the congested area. The space vacated by the displaced industry could become park or be used for low density housing.

While it is of course possible to meet the demand for public transportation by an increase in transit facilities, transit must be the servant rather than the master of the planner. Too often, I am afraid, it is the other way. To what extent are subways responsible for building densities in lower Manhattan? If the Second Ave. subway were built would it not pave the way for more downtown skyscrapers? What will be the effect of Toronto's subway unless coupled with rigid height and volume zoning? Without it, I am afraid, the subway may become the reason for bigger and better buildings, and more of them followed by bigger and better subways.



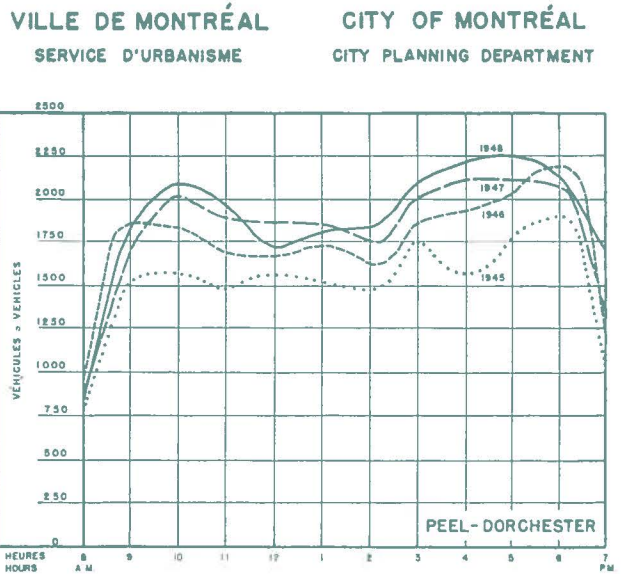
In some of the earlier discussions preceding the adoption of the proposal for the Yonge Street Rapid Transit Subway in Toronto, and even since then, the statement has been made that the city is not big enough to support a subway system. This is, of course, a complete misconception of the reason for the construction of rapid transit and a failure to realize that unbalanced land use may demand rapid transit in a city with even less population than Toronto. The reason for rapid transit is, of course, the number of people that want to go in the same direction at the same time. Toronto's first land use errors occurred a hundred years ago, when the first railway was constructed along the waterfront and acted as a focal point attracting industry. From that time on, the City has grown by the addition of concentric semi-circles of residential property to house the workers. There are signs now that without revenue

from the taxation of industry to supplement tax revenue from residential property, it is becoming increasingly difficult to supply services, including education, to the thousands of small houses that are being erected each year. The fact that, with the increasing use of highway transport by truck, many industries are no longer dependent on railway facilities makes a balanced land use program more easy of achievement.

The existing unprecedented demand for houses, however, makes the situation more difficult because vacant land exists only on the outskirts, and because no acceptable formula has yet been found for the reconstruction of uneconomic, central residential areas. The estimated demand for houses to rent in Toronto is by some authorities placed at about 15,000—all of which, if built, must be located outside of the City. Quite recently a neighbouring township offered to make 3,000 acres of land available for the purposes. Just think what that would mean! 15,000 houses occupied by about 60,000 people, of whom perhaps 15,000 at first, at any rate, would require daily transportation to and from their work in the City because, at the present time, very little opportunity for employment exists outside the City. It is things like this that make land use the most important phase of a planner's work. A planning friend of mine expressed the general idea very succinctly when he said that "a healthy community must consist of a number of units of urbanism" and defined a unit of urbanism as being composed of a dwelling and parts of a factory, a shop, a playground, a theatre, a church, a school, and of all the other things that go to make up civilization as we know it. If we cannot organize our communities on this self-contained basis we must expect to have to supply facilities for the mass movement of people; but the fact that they can be supplied must not make us less mindful of the need for balanced land use.

## Traffic and Transportation in Montreal

In mid-1949 a Board of Research on Traffic and Transportation Problems was set up by the Montreal City Council; the membership of the Board is composed of Councillors and Departmental staff members, as well as of some prominent citizens. In slightly under four months from its first meeting, the Board reached agreement upon an eighty-page illustrated report, embodying some sweeping recommendations to Council as to Montrealers' ways of getting about in future. The Board divided into three committees to study road traffic, mass transit and financing of proposals. All three reports have received the unanimous approval of the Board. The Board was instructed to study: creation and improvement of traffic arteries, expressways, traffic controls and parking; modification of mass transit system, and possibility of establishing additional means of mass transit; ways and means of financing and implementing its recommendations, including sketch



VARIATIONS HORAIRES DU VOLUME DE LA CIRCULATION À LA STATION PRINCIPALE DURANT UNE JOURNÉE MOYENNE DE 1945, 1946, 1947 ET 1948.  
HOURLY VARIATIONS IN TRAFFIC VOLUME AT THE MASTER STATION DURING AN AVERAGE DAY OF 1945, 1946, 1947 AND 1948.



plans and estimates of cost. Its proposals are "for the most part . . . solutions of principle."

On *Traffic* the Board reports that central streets are now used to capacity, but that Montreal's economy requires increasing movements of persons and goods through the streets, particularly into the central area. Therefore the Board endorses in their entirety the proposals of the City Planning Department for an expressway, street widenings, tramway removals, traffic control and off-street parking. Many of these proposals are already being implemented. The Board rates the East-West Expressway as the next job to tackle.

On *Parking* the Board observes that clearing the way for entry of more cars into the central area will call for equally Herculean efforts to dispose of them, once they get there. Increase in capacity of Trafficways will be self-defeating unless there is a proportionate increase in off-street parking. Yet the Board accepts as a public responsibility the creation of spaces only for those vehicles displaced by new municipal street-parking prohibitions. To this end, early construction of three municipal garages in the central area is recommended. In other areas, parking lots and parking meters are considered appropriate. Greater encouragement and regulation of private off-street parking spaces are urged.

On *Mass Transit* the Board discloses a situation unique among Canadian cities: greater Montreal is still growing rapidly in population, economic activity and area; the Mountain limits the approaches to the central district from the suburbs where the new housing is being built; fully 80% of the personal journeys in the metropolitan area are by public vehicle—or 1½ million passengers a day. In the evening rush hour, 75,000 people are extracted from an area of half a square mile; on St. Catherine St. the trams run less than half a minute apart, and they alone carry off 20,000 of these rush hour passengers. The mass transit load has doubled since 1939. Many lines are now operating above their theoretical capacity.

Clearly, with other claims upon the use of downtown streets, the surface transit system cannot expand where it is. Street widenings, while easing traffic, do not offer enough help to tramcars. Additional routes are as necessary as new vehicle-types, if Montrealers are to be taken comfortably to and from their present work-places; but there is no room for new surface routes. The steam railway lines are not suitably located, and are already carrying a heavy load of commuters. However, a single subway track could readily convey twice the present peak hourly load on any tram line. It needs to be laid down on a line different from the proposed expressway, for the most part. Therefore the Board recommends construction of a sub-surface

transit system, beginning with a line across St. Catherine St. and a line up St. Denis—forming an inverted T layout. Test borings and preliminary estimates for this system are being made. Surface routes will have to be revised to mesh with the subway, and some streets will be made free of public vehicles on the surface altogether, for 45% of existing tram routes will disappear. The Board says the subway should have "ranking priority over other major improvements being proposed."

The section on *Ways and Means* is very brief. Montreal has been approving expenditures for street improvements recently at a rate of over \$20 million a year. The Board believes that "it is improbable that any additional major program of improvements can be undertaken by the City out of current revenues"; and "present civic revenue is insufficient to support any large additional borrowing." There must be higher municipal taxes, or else provincial and federal government fiscal aid. As have students of urban transportation in Toronto and elsewhere, the Montreal Board claim for the city a greater share of the provincial revenues accruing from operators of motor vehicles.

Montreal has the opportunity in 1953 to appropriate the (now private) Montreal Tramways Company. To integrate surface and subway transit, and to operate all self-liquidating facilities recommended, the Board believes the City should acquire the Tramways, and set up a Transportation Authority. The East-West Expressway would also be administered by the Authority. A draft Bill for the Authority is ready for the 1950 session of the Quebec Legislature. On the financial structure of the Authority, the Board is reporting in another document. It believes that the recommended projects "can, for the most part, be self-liquidating" and that "beyond that, there is a solid basis for Federal and Provincial financial participation, as well as municipal, in an undertaking of such importance as to the future wellbeing of Canada's metropolis."

However, the Report does not reveal a full consultation with the other municipalities on Montreal Island who represent a constituency of over 200,000 people—and who are certain to be affected both financially and physically if its recommendations are carried out. The Report does not seem sufficiently to reflect that the transportation problems faced are themselves by-products of a pattern of metropolitan development. The solutions offered may in the end serve only to accentuate the congestion of central Montreal—unless the redevelopment of that area can be made to take place with less compression than subway systems have led to in other cities. Given other planning measures to hold downtown Montreal to a reasonable density, these subway and expressway schemes can serve that city well.

# Land Use Management by Local By-law

based on a paper by Lorne R. Cumming

Of all types of local regulation within the power of Ontario municipalities, a general zoning by-law must be most closely adapted to meet the peculiar needs of the city, town, village or township for which it is made. It is assumed that the municipal council has approved and authorized in principle the enactment of a general zoning by-law, and has a sincere intention to carry out this undertaking—involving interference with traditional rights of property and freedom of action in its use.

Back of council's decision there is probably a considerable body of public opinion; the elected representatives are convinced that the community is prepared to accept delivery. This should be true as to both the council and the municipal officials—especially those who must prepare and administer the by-law.

Equally essential is a clear understanding of the special purpose of a zoning by-law. Most of us have never fully used our legislative powers, and some have used them with more enthusiasm than wisdom. Where, in all the complicated picture of regulatory powers delegated to local government, is the place for a general zoning by-law? Let us begin with the importance of land in municipal affairs: territorial boundaries within which specified services are to be provided for the reasonable comfort and safety of the residents. The principal revenues to maintain those services come from that land. Occupation of it by a large number of persons in close association means that the use made of the smallest part by any person directly affects the value of the remainder of his fellow residents. Public welfare sooner or later requires the adoption and administration of a sound land policy.

## Land Use Policy Prerequisite to Zoning

Few councils have devoted sufficient time to the formulation of any long term land policy. How many hours are given to the annual estimates and mill rate! How few to the use of public and private lands, from present and future values of which the taxes must come! We employ the best available technical consultants to plan our waterworks, streets, schools and other important but limited projects; is there not a more pressing obligation to prepare and adopt a considered plan for the most efficient use of the entire area of land within our jurisdiction?

We can in this light reject the idea that the general zoning by-law is primarily for the regulation of various types of nuisance. It can be distinguished from all other types of regulatory by-law because the zoning by-law is passed so as to exercise public control over the use of all the land in the municipality in the interests of the entire community, and in accordance with a com-

*When he presented a paper on urban and suburban zoning at the Southwestern Ontario Conference last year, and agreed to its appearance in condensed form in these pages, the author was City Solicitor of Windsor. Now he is Chairman of the Municipal Board of Ontario. We congratulate both Mr. Cumming and the Board on his appointment.*

prehensive land policy. Many difficulties in drafting these by-laws have arisen for want of a clear grasp of their function, and for lack of a fundamental land policy.

Clearly, then, the local 'restricted area' by-laws most of us have passed under authority of the Municipal Act are not true zoning by-laws. The approach through them is negative rather than positive; to protect a special area, rather than to promote an integrated scheme for the whole community and for the future as well as the present. The total effect of special by-laws for limited subdivisions, numerous and various as they may be, is obviously no substitute for an integrated zoning by-law made in the general interest. They will usually have to be repealed to make way for it.

The various elements of a comprehensive land use policy will be developed gradually; it need not be complete in every detail before any action can be taken by council—nor can that action be taken all at once. But there should be at least the outline of a land use policy upon which to build the zoning by-law. This outline should include, for example: intended densities in residential areas, and from these the ultimate population limit within present municipal boundaries; overall proportion of single to multiple dwellings; amount of land therefore needed for schools, commercial and institutional purposes; general definition of existing and future residential units each of which will require its complement of these facilities; existing concentrations of industry and need for industrial expansion and decentralization, in relation to transport and transit routes, etc. Preliminary agreement on these points should be followed up with a municipal obligation to develop the general land use policy in its details. The outline policy and the commitment to pursue its specific ramifications should be formally approved by the municipal council; they should be made the first parts of an official plan under the Planning Act. This will preclude irresponsible future tampering with basic decisions—will prevent lightly-considered weakening of the foundations on which the structure of land use regulation is to be built.

## Content of Zoning By-law

The by-law, to be effective, must stem from basic land use policy and regulate all important aspects of land use so that they will follow that policy. In Ontario, under Section 406 of the Municipal Act, each municipality has power in effect to specify what may be done with any land in any defined area in the municipality.



What uses and regulations should we include? What are the reasonable limits beyond which the by-law will be unwieldy and unacceptable rather than adequate? We cannot regulate all the activities requiring the use of land; new uses are constantly affecting the physical appearance of communities (motels, drive-in theatres, automats), and most people rebel at what seems arbitrary restrictions of taste and ingenuity. Those drafting regulations will receive many suggestions of this restrictive sort, and may have to reject some of them even at the cost of discouraging the well-meaning contributors.

Instead, the attempt should be to deal only with uses of land and structures which clearly and directly react on the usefulness of other public or private land, and which are known to cause blight. Deterioration results not only from intermingling of uses that should obviously be segregated, but from less familiar causes: e.g. separation of retail shops by uses creating heavy truck traffic, overcrowding of land and insufficient open spaces, over-provision for such tax-surplus uses as commercial frontage and industry, exclusion of required facilities from too extensive tracts.

The zoning by-law is concerned with 'external' aspects of land use—except where internal use has a definite influence on surrounding property. Housing standards, safety of occupants, public health matters should be in separate by-laws. Proper licensing and inspection by-laws are the place for regulations affecting specific occupations and processes, although these regulations must be compatible with and can supplement the zoning by-law.

More controversial is the question of external design. Unless there is in your community some uniformity in aesthetic taste, the wiser course is to refrain from prescribing except as to building height, number of storeys, lot coverage, and similar objective elements of design. Aside from there being quite divergent views of good design among architects themselves, the submission of applicants' drawings to a professional panel for approval is probably in Ontario an illegal delegation of discretionary power.

Such are some of the aims to be pursued and pitfalls to be avoided as to the content of the by-law. The degree of education and conviction with regard to zoning that is current in the community will govern many further judgments on content. It is not enough to include only the most obvious regulations on which everyone agrees. There will be other provisions, equally necessary, for which positive means of enlisting public support should be tried.

### Drafting the Zoning By-law

A by-law drafted by a single individual or a small committee may be prepared in a short time. But it may reflect largely personal views, and when disclosed to council and the public may incur the criticism of all

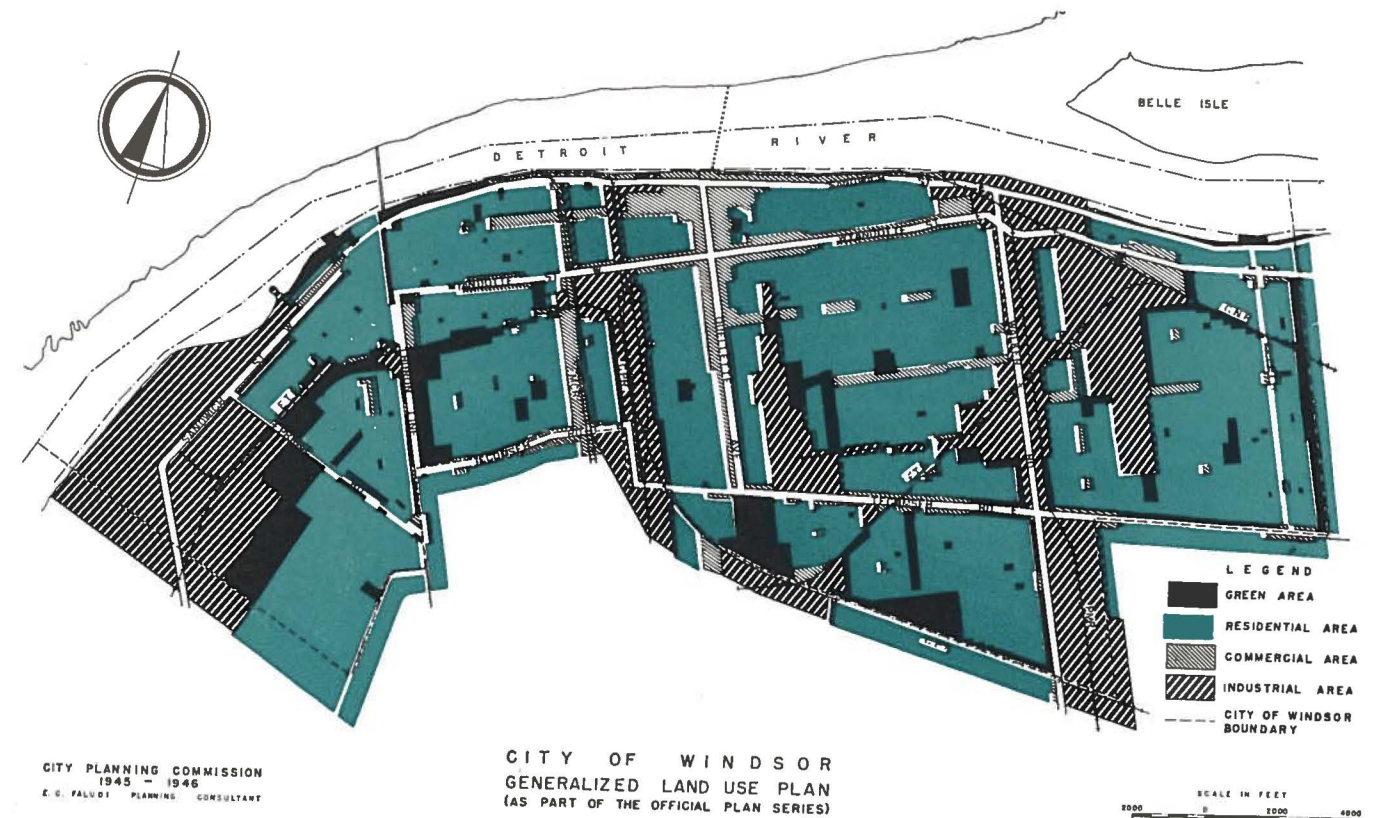
those who can disclaim responsibility. Practical mistakes, oversights and administrative difficulties are likely to be reduced by the collective judgment of an advisory committee having the confidence of council and the public. The individual draftsman might eventually accept these same corrections in public discussion—but defensively, and with loss of time and good will. I believe it is better to combine the preparation of the by-law with a program of public disclosure and discussion, objections being disposed of at every stage—before they combine in a general wave of opposition to zoning of any kind.

In Windsor, the Planning Commission appointed the zoning advisory committee, composed of an Engineer, an Architect, a member of the Real Estate Board, a representative of the Chamber of Commerce, together with the City Engineer, Manager of the Utilities Commission, and City Solicitor. Soon after we had reached some preliminary conclusions, public meetings were held covering the entire city, to disclose and discuss the tentative zoning scheme. We had considerable newspaper and radio publicity, and encouraged suggestions from individuals and groups. Many outside organizations helped us provide speakers at Home and School, women's and businessmen's clubs. Probably we learned more from these discussions than our audience learned from us. Many changes were made in our own views as the results of unforeseen but quite reasonable objections. All committee meetings were open, and some who came as determined opponents returned to their own neighbourhoods as firm supporters of the zoning program. This method abates the average man's distrust of bureaucratic regulation, and promotes the sense that the zoning by-law is adapted to his wishes and is the product of joint community effort. Had my own city not adopted this procedure, I do not believe we would now have any by-law.

Informal discussion of tentative proposals has some disadvantages. Certain interests may anticipate the provisions and secure permanent advantage over their neighbours by establishing non-conforming uses. A temporary by-law of the 'freezing' type may be needed; it should require in general terms that new developments comply with the existing uses, standards of land coverage and yard depths prevailing in the immediate neighbourhood. The Ontario Municipal Board has approved several such temporary by-laws; experience in Windsor suggests that the temporary period should be at least a year, or perhaps longer in a larger municipality. The time taken by the advisory committee for study and public hearings, and by council for passage and securing provincial approval of the by-law, may be much longer than you anticipate.

### The Kinds of Use District

It might be thought that in some use districts, as for example the highest class of single dwelling district, no other use whatever would be permitted. This objective is not attainable, and perhaps not even desir-



The author was a member of the Windsor zoning advisory committee; that group submitted to the Council and people of Windsor a general zoning by-law which is now in force. The by-law gives specific legal substance to the general intentions recorded in this Plan. The map is from the 1947 Annual Report of the Windsor Planning Area Board.

able. There may be small public open spaces, nursery and primary schools, library branch, physicians' offices and the like. The single dwellings where most of the local population live will also contain what are called "home occupations": dress-making, tutoring, minor mechanical repairing. Such activities cannot be ignored in the by-law. Larger old houses will be converted to multiple use; if surrounded by single dwellings, it is advisable to require converted larger buildings to retain their appearance as single dwellings.

Lots in residential areas that immediately abut a business district are often left vacant. The by-law can enlarge the permitted uses in a specified width of this boundary area, as by allowing here any uses in the next lower residential category, or by permitting public parking in a well-designed buffer strip—an asset to both the commercial users and the residents. In multiple dwelling areas some promoters will use the current housing shortage as excuse to reduce open space requirements and damage the whole community; the by-law should leave them no such opportunity. Multiple dwelling areas should include single and double houses, as well as churches, schools and other institutions—but should exclude those conducted for profit.

Even in the smallest community it is a serious error to place all types of business and commercial use in a single area, or to provide only for a simple separation of commercial and industrial uses. The municipality can by study avoid perpetuation of the long dreary rows of unimpressive and unattractive shops which are now the principal feature of the typical Canadian town. Those drafting the by-law should study the nature of business districts and the causes of blight in them. The shifting of retail business centres is privately and publicly costly; it can partly be forestalled by providing suitable locations for shopping centres as new residential areas build up. But notions of fashion and "progress", thoughtlessly accepted by both developers and municipal officials, also account for some of these very expensive shifts, and the commercial blight left in their wake. Zoning of each commercial district therefore should meet the requirements of the people to be served, rather than acceding to the demands of their would-be servants. The size of neighbourhood shopping districts, and of the individual establishments in them, should be limited to the definite needs of those who will live within walking distance. Service stations and others serving the street customer and the passing motorist have no place in the residential neighbourhood.



A separate class of commercial district should be designed to meet the needs of a larger section of the community; here should be placed motor agencies, larger food markets, variety stores, bowling alleys, theatres, dance halls and general retailers. In the smaller community this will be the central business area.

Wholesalers, small loft industries, warehouses, transport terminals, freight sheds and other uses involving heavy merchandise handling, need to be segregated but to have good traffic access. They tend to destroy the value of retail properties if permitted adjacent to them; the large yards, wide frontages, loading platforms and turning spaces needed by the transshipment users do not enhance either local or central retail districts. In new business areas, where a precedent of total land coverage is not yet established, standard private yard requirements are possible in addition to height limitations; in new neighbourhood shopping areas, minimum front yards may also be desirable. Every new commercial building above a certain size should be required to incorporate off-street loading space; if streets are to serve to capacity they cannot be congested by those who would build on every foot of their own premises and then occupy the public highway as a private loading platform.

Industrial locations in the past were chosen for reasonably cheap land, with transport connections; the main features of the transportation network are now hard to change. Sometimes, too, large industry has grown out of small beginnings in a predominantly commercial or residential area. Utmost courage and tact is required to save such areas, recognizing the permanent injury done by some existing industrial locations, as well as the community value and prospects of the offending establishments. Unless they are very large and long-established, they had better be treated as "non-conforming"—trusting that they will eventually disappear because they cannot expand where they are. Rapid change in industrial processes makes precise classification of uses almost impossible. Industrialists can help the zoning committee to classify industries by common external characteristics, and to draft a general description of each class. Listing every permitted industry is unwieldy, and some omission is bound to occur—giving opportunity for gleeful criticism of the whole by-law.

Temporary dwellings of low standard scattered about an area reserved for industry may retard its orderly development; but there may be cases where tracts for future industrial expansion can be allowed to yield interim rentals to their owners through other uses. The by-law should permit specific applications, for temporary uses only, in areas reserved for heavy industry.

Municipally owned lands—parks, school grounds and others—should be covered by the by-law. Future councils should not have the chance to ignore establish-

ed land use policy, but should be required to change it deliberately by a by-law that may involve amendment of the official plan and approval of the Minister and the Municipal Board. There should be provisions covering streets and lanes that may be closed, areas likely to be annexed, and railway lands liable to be abandoned for railway purposes; thus there will not be any unzoned land within the municipality in foreseeable circumstances.

There will remain some matters that are difficult to write into the provisions for each kind of use district: such things as permitted yard obstructions, corner lot locations, towers, commercial facilities in large housing projects, special parking spaces, public utilities, etc. The by-law must describe everything that will be permitted, so these special exemptions and provisions are a supplementary part of it. Provisions applicable to particular parts of the city may also appear here; they must include detailed descriptions of the areas they affect. Careful attention must be given to the impact of the new general zoning by-law on areas where local restrictions have already created special and desirable character; to retain these features will call for re-enacting the same restrictions for the same defined areas.

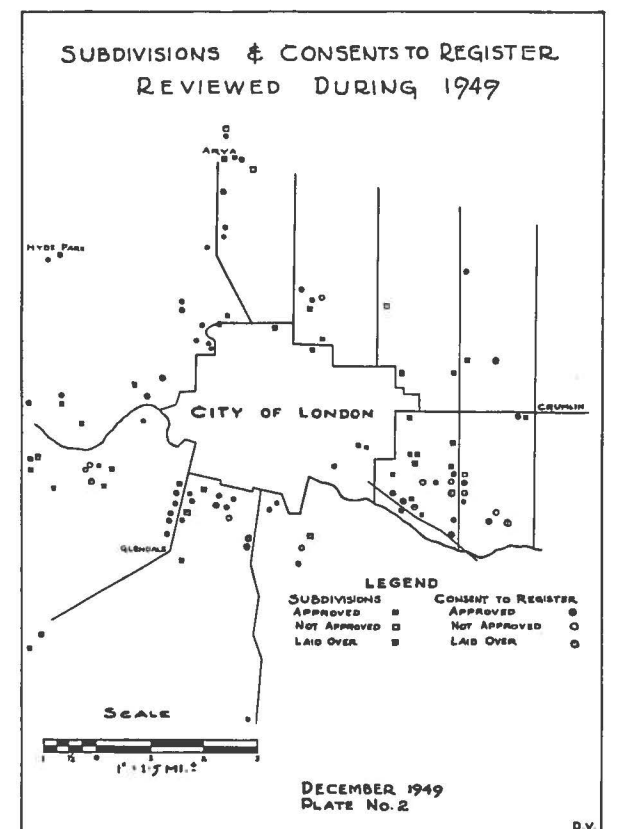
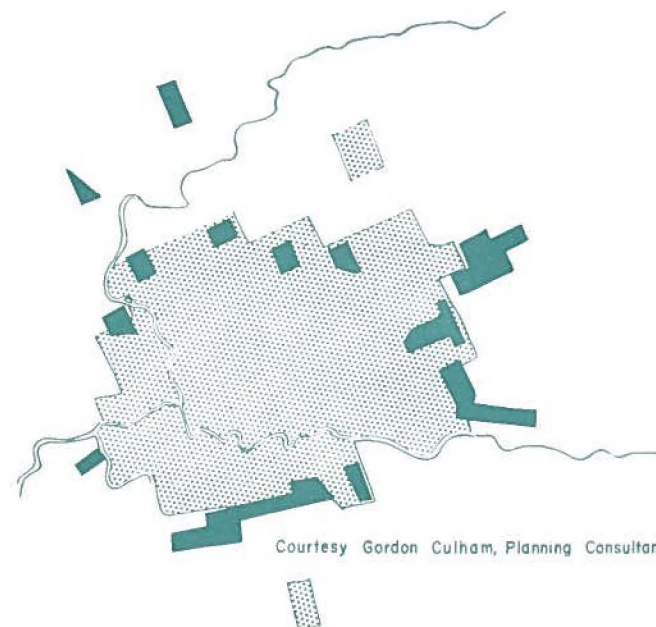
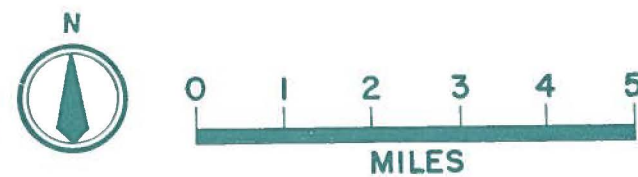
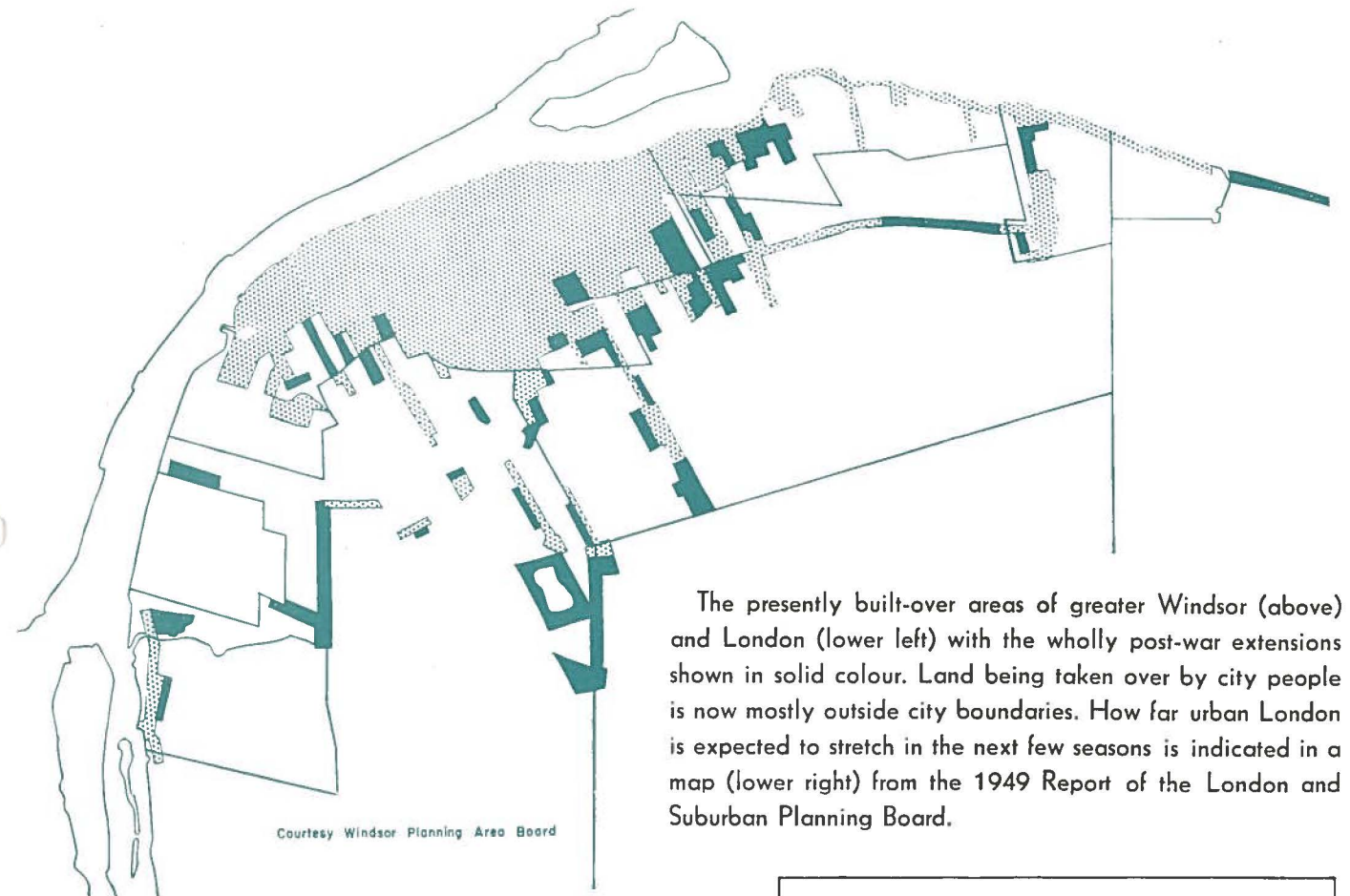
### Suburban Land Use Regulation

There is a significant trend, evident in the 1941 Census and certain to be much more so in 1951, for the most rapid settlement to be concentrated in the suburban municipalities that adjoin our major cities. The most casual observation of the outskirts of our towns and cities would indicate that there has been a very apparent lack of any effective regulation and control of the mushroom growth around our urban centres. Far too many of our suburban areas are rapidly becoming congested suburban slums. The main approaches to our cities display to all travellers a discouraging mixture of conflicting land uses and all the signs of unwillingness or inability to exercise any type of control of land use. We must all admit that our most conspicuous failure is in the field of suburban zoning. Special techniques for this type of zoning cannot be considered profitably until the obstacles preventing positive action are understood. The following questions are submitted for frank discussion.

(a) *Does suburban zoning require technical aid beyond the reach of the small municipality?* Procedures and techniques are substantially the same as those proved successful in urban zoning; the extent of the work will be greatly reduced because suburban areas are predominantly residential and agricultural. The central municipality is usually anxious to extend practical assistance, and necessary technical advice.

(b) *Does present political organization prevent effective action?* Quite naturally the majority of a rural council may not favour entry into a new, unfamiliar field of

## Suburban Growth in Southwestern Ontario





action that may adversely affect taxation of farm lands. How can farm owners be convinced that orderly transition from agricultural to urban use will enhance land values in the area, provide stable local markets and improve the services and amenities available to them?

(c) *Is local action waiting upon amalgamation?* Township councils may assume that early annexation of fringe areas by the city will remove their unwelcome problems of suburban development and servicing. Does the central city want to enlarge its area and increase its population? Or is annexation not more often initiated by neglected suburban residents? Would frank discussion of annexation possibilities, begun at a much earlier stage of urbanization, solve the problem? Cannot the provincial government help?

(d) *How can inter-municipal co-operation be encouraged?* The first duty of the elected representative is to his own electors; proper suburban zoning is in the best interests of suburban land-owners as well as the entire metropolitan community. How can this economic inter-dependence gain wider public recognition?

(e) *Should zoning powers be given to some new authority?* Granting that every local government can exercise zoning powers, and that working from the bottom up is better than from the top down, is it possible to co-ordinate zoning action over a whole series of municipalities of different types? Is an entirely new authority required?

In agricultural use districts the most vital decision is the determination of the economic size of family holdings. Where the land is used primarily for residence and not as a means of livelihood, reasonably attractive openness must be reconciled with service and transit costs per family—in terms of the incomes of expected residents. Too rigid economic segregation is to be avoided. Certain types of institution require suburban location, as do commercial and perhaps industrial establishments of some kinds.

Fully urban, high density fringe areas should be in harmony with adjoining areas over the city boundary; their treatment will be identical with that in urban zoning. Most suburban areas have only a few all-weather highways, and there will be determined efforts to spread necessary commercial facilities along main traffic routes, without regard to highway function or local needs. The roadside business intended to catch the tourist dollar should be restricted both as to area and permissible uses. It is to be hoped that local and provincial authorities will co-operate to control roadside advertising.

### Current Zoning Problems

Adequate formulations to describe a wide and subtle range of use classes, in clear and brief terms, are a primary difficulty of the municipality engaged in the actual business of zoning. In Ontario, local discretion is limited in the administrative interpretation of zoning

by-laws; proper zoning appeal boards are not authorized by the legislation. While off-street loading requirements are authorized (by inference at least) off-street parking provision cannot be demanded in this province. Clear co-relation of zoning with building, plumbing, health and licensing by-laws is urgently needed. A system of occupancy permits is called for in the interests of efficient zoning administration. The respective functions of the provincial Department of Planning and the Municipal Board in the approval of official plans and zoning by-laws should be clarified. Some means must be devised to prevent official approval of by-laws and amendments inconsistent with important elements of the official plan. "Abandonment" of use and "non-conforming" use require to have clearer definition in the statute.

Another fundamental problem requiring the most earnest consideration and study is the present conflict of jurisdiction as between the three levels of government with respect to certain lands and uses. Many important land uses are included in activities solely within Dominion legislative jurisdiction. For example, the municipality is vitally concerned in the use of the portion of its lands set aside for the operations of railways. In other cases there are apparent conflicts between provincial and municipal powers, of which a good example is the proper use of land adjacent to provincial highways and the wide powers of the Hydro Electric Power Commission. It is respectfully suggested that an important function of the Department of Planning and Development should be the adjustment of the respective powers and duties of government at all three levels as they affect community planning, and the promotion of the closest possible co-operation. Then enactment of a good zoning scheme will not be endangered by the arbitrary exercise of Dominion and Provincial powers.

In concluding this necessarily brief and sketchy survey of the problems of urban and suburban zoning, may I be permitted to express the hope that neither the magnitude of the task nor the inadequacy of the present available tools should be accepted as an excuse for any further delay on the part of any municipality in accepting its responsibility in this important field of municipal action. Unforeseen difficulties will be experienced and many mistakes will certainly be made; but let there be an actual start made and a sincere determination to carry the job through. It may be some consolation to reflect that legislative bodies of all kinds, with the aid of the most expert counsel and the benefit of years of administrative experience, are often guilty of making poor statutes. The important thing is to begin. Six months of actual administration and enforcement of a by-law will probably be found more valuable to you than two years of preliminary research and hypothetical discussion. The future of our communities and the continued existence of our system of municipal self-government may depend upon the intelligence and the courage which we now display in attacking our local zoning problems.

## Moncton's Future

### Annual Report for 1949 of the Town Planning Commission for the Metropolitan Area of Greater Moncton

This Report is one of the growing number of Canadian planning reports of more than local interest. Moncton is a city of about 25,000 persons, who (because of its strategic location in the transportation system—railway lands make up nearly 20% of the City Area) have styled their community "the hub of the Maritimes." The region has been the scene of considerable wartime and post war development. In 1946 the City Council decided that Moncton should qualify for more favorable National Housing Act loans; accordingly, a "stop-gap" zoning by-law was passed, and a Town Planning Commission appointed. The by-law provided for only two broad uses—industrial and residential. However, New Brunswick's Planning Act (1936) gave the Commission power to review the subdivision and sale of land and the proposed location for any new construction, and provides for a Board of Zoning Appeals.

This system of sweeping regulation and piece-meal review proved no substitute for a considered land use policy. In 1948 and 1949 the Commission, with very limited technical resources, undertook to map existing land uses in detail (at 150 feet to the inch), and with this and other information to prepare a general land use code. At the same time a Joint Planning Committee was established by agreement between the City, two bordering counties, a suburban town and village; and City Council set up its own Standing Committee on Town Planning. Late in 1949 the Town Planning Commission of the City of Moncton (the original agency) was dissolved.

The Metropolitan Commission has completed a general zoning by-law for the area within the City boundary, and this has been submitted through the Standing Committee to City Council for enactment. Similar by-laws are being prepared for enactment by each of the other municipalities.

Studies by the Metropolitan Commission during 1949, in addition to regulation of private land use, included:

- (1) Improved central and East-West traffic movement

Several projects discussed with municipal and provincial highway officers; one arterial scheme for growing NW area further detailed and incorporated in official plans.

- (2) Substandard housing in old central and new fringe areas

An east end redevelopment suggested for Federal-provincial undertaking; need also to redevelop "shacktowns" and suburban highway-side slums; realization that both public and private financing of housing may become conditional upon operative planning within the community.

- (3) Relocation of railways to untrammel urban development

Ambitious outline proposal to remove main line tracks from central urban district; much further technical study of alternatives required, and Commission believes a national bureau for such studies should exist. (See map, back cover.)

- (4) Additional recreation areas needed

Proposals for long term development of large natural park and of many small cultivated and intensively developed recreation grounds.

- (5) River front development—between Main St. and the Petitcodiac River

- (6) Civic centre and neighbourhood centres

Need for dominant civic meeting place and subsidiary community buildings.

- (7) Subdivision design and control—scrutiny and advice

- (8) Smoke abatement—shared in preparing by-law

- (9) Building Code—drafted by subcommittee

The Commission undertook these many projects on a budget of about 40c per caput for the year—a sum typical of the planning budgets of Canadian cities of this size. Over half the budget was devoted to drafts-men's and clerical salaries; no professional salaries appear to have been paid.

For 1950 the Commission has set itself an equally ambitious program: fuller development of the official plan, expediting the enactment of codes now drafted, further detailing of its own regulatory and advisory duties, assistance in implementation of 1949 Housing Act schemes for Moncton. To complete the tasks it sets for itself, the Commission asks a slightly larger budget and the appointment of a full-time Planning Director. Throughout this Report the Commission reveals a keen appreciation of its continuing responsibility to the people of greater Moncton—and a growing realization that this responsibility will be properly discharged only when all the authorities concerned, "having decided as a matter of policy that a permanent planning office is part of modern municipal administration," "will recognize the advantages of a planned program for advancement and provide the necessary funds for the work."

The administrative pattern evolving in Moncton consists of a Joint Planning Committee of the local governments in the area, reporting to each municipality through a Standing Committee of its Council, and seeking to have all technical tasks performed by a full-time, qualified professional Planning Director and his staff. The Commission also wants to place its relations with planning agencies of senior governments upon a solid procedural footing. Apparently quite independently, Moncton's devoted Planning Commissioners have come to conclusions very similar to those emerging in other Canadian cities (see *Layout for Living*, No. 29).